

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

MEGAN CHARLES,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACT. NO. 3:19-cv-261-ECM
)	(WO)
BUILDERS PROFESSIONAL)	
GROUP, LLC, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION and ORDER

On April 10, 2019, the Defendants removed this case from the Circuit Court of Lee County, Alabama. (Doc. 1). Thereafter, the Defendants filed a motion to dismiss for failure to state a claim pursuant to FED. R. CIV. P. 12(b)(6). (Doc. 5). The Defendants seek dismissal of the complaint with prejudice. In response to the Defendants' motion to dismiss, the Plaintiff filed her own motion to dismiss, agreeing that the complaint is due to be dismissed, but she requests that the case be dismissed without prejudice (doc. 9).

The parties do not dispute that dismissal of the complaint in this Court is warranted. The sole question before the Court is whether to dismiss this action with or without prejudice. Although the Defendants, referencing Rule 41(a)(2) of the Federal Rules of Civil Procedure, assert that the complaint should be dismissed with prejudice, they fail to note that the default dismissal under that rule is without prejudice. Because the defendants have offered no cogent reason to dismiss the complaint with prejudice, the Court concludes

that this case should be dismissed without prejudice. Accordingly, for the reasons as stated,
it is

ORDERED that the motions to dismiss (docs. 5 & 9) are GRANTED and this case
is DISMISSED without prejudice.

A separate judgment will be entered

DONE this 9th day of August, 2019.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE